

424. At around midnight, defendant Detectives Hildebrandt and McCabe took the McCrays to the 24th Precinct for a videotaped interview.

425. In the car on the way to the videotaping, the Detectives coached Antron.

426. They told Antron to reiterate the fabricated written statement, to implicate himself in the crimes committed in Central Park on the evening of April 19 because it would not look right if he was present but did not do anything, and to stop crying.

427. At approximately 1 a.m. on the morning of April 21, 1989, Antron was videotaped in the presence of Detectives Hildebrandt, McCabe, ADA Lederer, and his parents.

428. During the taping, ADA Lederer conducted the interview.

429. Lederer received the fabricated statement prior to the taping.

430. Lederer coached Antron during the interview, in part on the basis of the fabricated statement and in part on the basis of other information that she had already learned about the case.

431. Antron told Lederer that he ran into a group of friends prior to going to Central Park on April 19.

432. Lederer asked Antron to name these friends.

433. When Antron could not come up with names, Lederer suggested, among others, "Kevin Richardson."

434. Antron conceded Lederer's suggestions.

435. Lederer asked Antron whether he got on top of the Jogger.

436. When Antron responded ambivalently, Lederer pressed, "You did, right?"

437. Again, Antron conceded.

438. Although the fabricated statement indicated – incorrectly – that the Jogger was wearing “shorts” when she was attacked, rather than exploring this inconsistency with Antron, Lederer asked him who took off the Jogger’s “pants” and accepted his response at face value.

439. Both the fabricated statement and Antron’s videotaped statement indicated that the female jogger was attacked by the reservoir in Central Park.

440. In fact, the Jogger was found many blocks north of the reservoir, by the East-West transverse around 102nd Street.

441. Nonetheless, ADA Lederer did not question Antron’s irreconcilable representation of the facts.

442. Throughout the videotaped interview and beyond, Lederer knowingly disregarded Antron’s ambivalence about key facts when instead she should have questioned his guilt and the validity of the “confession.”

443. At the time of his videotaped interview, Antron had not had anything to eat since his arrival at the Central Park Precinct around noon the previous day.

444. Mrs. McCray did not interfere with the videotaping because Mr. McCray informed her that the Detectives had promised to release Antron if he cooperated and served as a witness.

445. Sometime after 2 a.m. on April 21, Hildebrandt and a Night Watch detective took Antron to Central Park.

446. When they asked Antron to take them to the location of the Jogger’s rape, Antron led them to the reservoir – the spot where he knew a male jogger had been assaulted.

447. Hildebrandt knew that the female jogger did not get raped by the reservoir, but

despite this significant inconsistency, sent Antron back to the precinct for eventual booking and arraignment.

448. Upon Antron's return to the precinct, Fairstein introduced herself to him and asked, "What's this all about?".

449. Antron stated, "I don't know anything about the girl — I wasn't there for any girl."

450. Despite this inconsistency with the false statement, Fairstein did not question the accuracy of the false statement.

451. Detectives Hildebrandt and Gonzalez perpetuated Antron's false statement, which they fabricated in the first place through coercive interrogation tactics, by lying about their methods during Antron's criminal trial.

452. Both Detectives falsely represented at trial that:

- a. without any inducement, Antron spontaneously recounted the attack on the Central Park Jogger in narrative form as soon as his mother left the room;
- b. none of the detectives raised their voices at Antron;
- c. no one promised Antron anything in exchange for a false statement;
- d. no one threatened Antron;
- e. no one told the McCrays that Antron could go home if he gave a statement;
- f. neither Hildebrandt nor Gonzalez told Bobby McCray that Antron would go to jail unless he cooperated;
- g. no one accused Antron of lying;

- h. no one repeatedly asked Antron about a female jogger;
- i. Antron did not repeatedly deny knowing anything about a female jogger;
- j. Bobby McCray told Hildebrandt and Gonzalez that he thought Antron was lying; and
- k. Linda McCray did not cry or say anything during the interrogation.

453. Detective Hildebrandt also falsely represented at trial that:

- a. it was Bobby McCray's idea to remove Mrs. McCray from the interrogation room (even though Detective Gonzalez testified that it was Hildebrandt's idea);
- b. Linda McCray was brought back to the interrogation room before Hildebrandt recorded the written statement (even though Gonzalez testified that Mrs. McCray was not present for the statement's writing); and
- c. Hildebrandt never coached Antron for Lederer's videotaped interview.

454. In contrast to Hildebrandt's testimony and the written and videotaped statements, Defendant Gonzalez falsely testified that Antron confessed to penetrating the Jogger.

455. There were other inconsistencies between the testimony of defendants Gonzalez and Hildebrandt.

456. Detective Hildebrandt said McCray had not cried, while Detective Gonzalez said he did. Detective Hildebrandt testified McCray's mother left the interrogation room just before McCray allegedly admitted to penetrating the victim at the suggestion of Antron's stepfather; Gonzalez said it was at the suggestion of the detectives.

457. Finally, in defendant Hildebrandt's account, the detectives wrote out Antron's

statement only after the mother refused, while Gonzalez testified the statement was completed before she was brought back.

5. The Interrogation of Kharey Wise

458. On April 19, 1989, plaintiff Kharey Wise was 16 years old and lived at home at 1309 Fifth Avenue, Apartment 19D, New York, New York 10029 with his mother, father and two brothers.

459. At that time, Kharey was a ninth grade student at Stuyvesant High School in the Soundview section of the Bronx. He was a Special Education student and not attending school regularly because of threats if he didn't bring lunch money to school and turn it over to other students.

460. As of April 19, 1989, Kharey had never been arrested or taken into custody by any law enforcement agency.

461. Kharey was brought into the precinct for questioning on April 20, 1989, at 10:45 p.m., after other youths had allegedly identified him as having been present at, or participated in, some of the events in the park on the evening of April 19, 1989.

462. Kharey was with Yusef Salaam, when they were taken into custody by Detectives Taglioni, Hall, Freck and Bier.

463. Kharey asked the detectives if he should tell his mother where he was going.

464. The detectives told him he did not need to because he would come right back.

465. Kharey was separated from Yusef Salaam and brought to the 20th Precinct along with his friend Eddie de la Paz by Detectives Freck and Bier.

466. Kharey was repeatedly interrogated by police officers and detectives for many

hours, without his mother present, as she was misled by other police officers about his location and imminent promised release.

467. Kharey was a student with Special Education needs and could not have understood any Miranda rights read to him.

468. Kharey was brought into a room where he saw six officers, who asked him incriminating and suggestive questions, such as, “Did she look good?” “Did you touch her?” and “Did you feel her up?”

469. Detective Hartigan questioned him and told him that the guys arrested had implicated him in “this.”

470. According to the testimony of Detective Nugent, Detective Hartigan’s interrogation of Kharey lasted from about 11:00 p.m. until about 2:30 a.m. with Detective Nugent present for part of the questioning.

471. Detective Hartigan kept asking Kharey about “the lady.”

472. Kharey responded that he did not know what Detective Hartigan was talking about and denied seeing a woman.

473. After questioning Kharey, Detective Hartigan wrote out a statement and read it to Kharey, but skipped some lines, before having him sign it at about 3:00 a.m. on April 21, 1989.

474. Kharey had difficulty reading and could not read the statement himself.

475. The statement includes language attributed to “Steve” — “when we start violence and the cops come, nobody knows nothing and don’t squeal” — which had not been stated by Kharey.

476. After Kharey signed the statement, with Detectives Nugent and Hartigan signing

as witnesses, Detective Hartigan left the room, leaving Kharey alone with Detective Nugent.

477. Recognizing that the statement was not sufficiently inculpatory, Detective Nugent then stood up and called Kharey a “fucken liar,” and said he didn’t feel like hearing “that shit.”

478. When Kharey responded, “I am not lying,” Nugent started cursing him and slapped Kharey’s face three times.

479. Kharey told Detective Nugent, “I don’t know what you’re talking about,” to which Detective Nugent responded, “I don’t want to see a scumbag like you on the street.”

480. Detective Nugent’s questioning of Kharey continued for approximately an hour and a half.

481. Detective Nugent acknowledged questioning Kharey but claimed he only questioned him for fifteen minutes, made notes in his notebook and filled out a DD-5.

482. Detective Hartigan then came back into the room and spoke with Kharey without Detective Nugent present.

483. Detective Hartigan told Kharey that Eddie, with whom Kharey said he left the Park on April 19th, had never seen Kharey that night.

484. Detective Hartigan told Kharey to tell Detective Nugent a lie and say he was there.

485. Detective Hartigan promised Kharey that if he told Detective Nugent he was there, he could go home.

486. As a result of the coercive pressure and abusive treatment throughout the interrogation and the repeated promises that he could go home if he lied, Kharey complied with Detective Hartigan’s directive and began giving a false account about the incident involving the Jogger.

487. Kharey then told Detective Nugent that he had heard a lady scream, that he hid behind a tree and did not get to see who was there hitting her.

488. Detective Nugent responded, "You didn't tell me nothing."

489. Kharey then said, "I seen somebody hitting her."

490. Detective Nugent asked who was hitting her.

491. Kharey responded, "Lopez and Raymond" because Detective Nugent had talked about Steve Lopez and Raymond Santana.

492. Kharey then asked Detective Nugent, "Can I go home now?"

493. Detective Nugent laughed.

494. Kharey said Detective Hartigan had said that if he said this he would go home.

495. Detective Nugent called Detective Hartigan in and asked him if he had said Kharey could go home.

496. Detective Hartigan denied telling this to Kharey.

497. Detective Nugent then told Kharey, "So don't fucken lie to me."

498. On or about 4 a.m. Kharey was taken to a holding pen where he was unable to sleep due to the noise and other distractions.

499. Meanwhile, Deloris Wise was calling the precincts, trying to find out where Kharey was.

500. She called several precincts and was finally told to call the Central Park Precinct.

501. At about 11:00 p.m., Detective Gonzales told her that she did not need to come into the Precinct, that they would send Kharey home, and that the police didn't think he was involved.

502. At 5:30 a.m., Deloris Wise woke and found that Kharey was not home.

503. At 6:00 a.m., she called back and Detective Gonzales said that Kharey was under arrest.

504. Detective Gonzales did not tell her which precinct he was at, but said not to bother coming to the precinct, because Kharey was being sent to Central Booking.

505. Deloris Wise went to Central Booking and then to the Central Park Precinct.

506. At the Central Park Precinct, she was told that Kharey had been taken to the 24th Precinct at 100 Street and Columbus Avenue.

507. When Deloris Wise arrived at the 24th Precinct at 8:00 a.m., the police said she could not see Kharey because he was sixteen.

508. Deloris Wise said that Kharey was slow and gets upset.

509. A Caucasian man with white hair told Deloris Wise that she could not see Kharey because he was under arrest for rape and told her to leave the Precinct.

510. That morning, at 7:00 a.m., Detective Sheehan, Detective Jonza and ADA Fairstein took Kharey to the crime scene with Kevin Richardson where Kharey was questioned further.

511. Detective Sheehan, in the presence of ADA Linda Fairstein, pointed out the blood and tried to get Kharey to put his finger in the blood.

512. Detective Sheehan told him he could just wipe it on his clothes, it would come off his finger.

513. Fairstein admitted in her trial testimony that she was standing next to Detective Sheehan when Kharey was at the crime scene.

514. That morning after he returned from the Park to the 24th Precinct, Kharey was subjected to another interrogation, this time by Detective Hartigan.

515. Detective Hartigan told Kharey to implicate himself.

516. Hartigan then told Kharey that if Kharey lied, Hartigan would put his foot up Kharey's ass.

517. Detective Hartigan admitted in subsequent court proceedings that on April 21, 1989 at around 9:20 a.m., he had raised his voice at Kharey and repeatedly accused Kharey of lying.

518. As a result of this pressure, Kharey was then induced by Detective Hartigan to sign a second false statement at the 24th Precinct at or after approximately 10:00 a.m. on April 21, 1989.

519. Later, from approximately 12:30 p.m. through 1:55 p.m., a video statement was taken by ADA Lederer, with ADA Clements present.

520. Detective Nugent was present during the videotaping of Kharey's statement.

521. At the time he gave the videotaped statement, Kharey was feeling drowsy and tired.

522. He had been in police precincts since 11:00 p.m. the night before, had been questioned for many hours, placed in a holding cell in a noisy area, and then taken to the crime scene at Central Park.

523. As a result he had been deprived of any opportunity to sleep.

524. Kharey asked for food and drink but was only given a glass of milk and later a can of soda but he was denied any food even though the police officers and detectives were eating a

lot of food and throwing some away in front of him.

525. During the taping, Kharey was shown photos of the Jogger.

526. Detective Nugent had told him about a rock, and at ADA Lederer's prompting, Kharey changed his statement on the video from stating that the Jogger had been punched in the face, to stating that she had been hit with a small rock, to stating that she had been struck with a large rock.

527. Detective Nugent would take deep breaths if he thought Kharey was not giving the "right" answers, scaring Kharey.

528. After the first videotaping, Detective Hartigan pulled Kharey aside and said he had to implicate himself.

529. Detective Hartigan told Kharey that his mother was downstairs and if he said certain things, he could go home.

530. A second videotape was made with Detectives Hartigan and Arroyo present.

531. On the way to the second videotaping, Det. Nugent slapped Kharey on the side of his head, striking his ear.

532. Detective Hartigan had told Kharey to say that he had kicked the bum, put him up against a fence, beating him up, and wanted Kharey to say that he had felt the lady's legs and said once Kharey said that, he could go home.

533. Kharey also went along with the Detectives, who wanted to hear Steven Lopez and Raymond Santana mentioned.

534. In his attempt to comply with this coercion to confess, Kharey included in his second videotaped statement, at the behest of defendants Hartigan and Lederer, fabricated details,

including the statement that one of the other arrestees had cut the clothing off the Jogger and that she had been cut on her legs by a knife, purported facts which these defendants knew were not accurate.

535. On the second videotape, Kharey, in explaining why he was giving a statement implicating himself, referred to Detectives Nugent and Hartigan “coming in [his] face, yelling, hitting him.”

536. ADA Lederer and Detectives Hartigan and Arroyo ignored that statement.

537. After making the second videotape from 3:13 p.m. through 3:40 p.m. of April 21, 1989, Kharey asked if he could go home.

538. Detective Hartigan told him he was going to lock-up.

539. Deloris did not see her son until arraignment.

540. When she saw him, Kharey’s face was swollen.

541. On April 24, at Rikers Island, Kharey met with his mother and had to turn his head to hear her because he could not hear out of the ear that Detective Nugent had slapped.

542. Despite these indicators that Kharey was making an inculpatory statement not based on actual guilt, but because he was coerced into making such a statement, these Defendants deliberately failed to inquire into those aspects of the statement detailed above which pointed to it being coerced, and instead, conspired with other Defendants to make use of the confession which they knew to be false and to cover up the coerced nature of the confession.

543. Throughout the criminal case, the defendants knowingly made false reports and false statements and gave false testimony concerning Kharey’s involvement in the Jogger case.

544. The following are instances of false testimony to perpetuate Kharey’s false

confession.

545. Detective Hartigan denied that he had made any promises to Kharey at any point, although he had repeatedly made the false promise to Kharey that if Kharey gave the police what they wanted in a false statement, he would be allowed to go home.

546. Detective Hartigan falsely testified that he had written down Kharey's own words in the statements he had Kharey sign, and that he had read the complete statements to Kharey, when he had in fact added language to the statements when he wrote them out and skipped over these parts in reading them to Kharey.

547. Detective Hartigan also testified falsely that he had never threatened Kharey, although he had threatened to put his foot up Kharey's ass after Kharey was returned from the visit to the crime scene in Central Park.

548. Detective Nugent denied that he had ever raised his voice or made threats to Kharey, although he had repeatedly cursed Kharey out, told him he belonged in jail, and slapped him.

549. Detective Victor Cornetta falsely testified that when he transported Kharey down to Central Booking, Wise implicated himself in the attack on the Jogger.

550. ADA Fairstein and Detective Sheehan falsely denied that Detective Sheehan had tried to induce Kharey to put his fingers in the blood at the crime scene and wipe it on his clothing, although ADA Fairstein had been present when Detective Sheehan made this attempt to create false physical evidence of Kharey's involvement in the assault and rape of the Central Park jogger.

6. The Interrogation of Yusef Salaam

551. On April 19, 1989, plaintiff Yusef Salaam (“Yusef”) had just turned fifteen and lived at home at 1309 Fifth Avenue, Apartment 21H, New York, New York 10029, along with his mother Sharonne and two siblings, his sister Aisha and his brother Shareef Salaam.

552. He was a student at Rice High School at 74 West 124th Street, New York, New York in the 10th grade.

553. As of April 19, 1989, Yusef had no criminal record and had never been arrested or held in custody by any NYPD police officer.

554. On April 20, 1989, Detective Thomas W. McKenna, a detective with Manhattan North Homicide arrived at the 20th Precinct to participate in the investigation of the Central Park Jogger case, and “volunteered” to interview a fourteen-year-old youth named Alfred (“Al”) Morris.

555. McKenna testified he asked Morris for the names and addresses of persons who were in a group in Central Park on April 19th.

556. McKenna testified that the only other question McKenna asked Morris about the persons in the group was whether each person was black or white.

557. On the night of April 20, 1989, at approximately 10:00 p.m., someone rang the intercom to the Salaam family’s apartment and told Yusef’s sister, Aisha, that police officers were downstairs and that Yusef should come down.

558. Yusef and Aisha took the elevator downstairs.

559. In the lobby on the ground floor, Yusef met and spoke to Kharey Wise and their friend Eddie de la Paz.

560. As the officers had apparently already gone upstairs, Yusef and Kharey Wise and Yusef's sister, Aisha, took elevators to the 21st floor of the building where the Salaam family lived.

561. Aisha, arriving at the family's apartment first, found four detectives at the door to her family's apartment speaking to her brother, Shareef.

562. Those detectives were later learned to have been Detectives Joseph Taglioni, Rudy Hall, John Freck, and Richard Bier, who, like McKenna, were members of the NYPD unit known as Manhattan North Homicide.

563. The Detectives had been sent by their supervisors, including but not limited to, a directive from Lieutenant Doyle to Detectives Freck and Bier, to pick up Yusef Salaam for questioning.

564. The Detectives asked Aisha who she was and she identified herself.

565. The Detectives asked Aisha how old she was and she told them sixteen.

566. Yusef and Kharey arrived at the door to the Salaam family's apartment.

567. The Detectives asked Yusef who he was.

568. He said "Yusef Salaam".

569. The Detectives looked at a piece of paper and said "Here, he is right here."

570. The Detectives then asked Kharey Wise who he was and Kharey identified himself.

571. The Detectives asked Yusef to raise his arms and "patted him down."

572. The Detectives then asked Kharey to raise his arms and "patted him down."

573. The Detectives asked Yusef how old he was.

574. Yusef said he was fifteen years old.

575. On each of a number of occasions that Yusef was asked how old he was over the many ensuing hours of questioning, he responded truthfully that he was fifteen years old.

576. Under New York State law a fifteen year old person could not be questioned without a parent present.

577. Despite their knowledge that Yusef Salaam was 15 years of age, the defendants, including, but not limited to, Detectives Taglioni, Hall, Freck and Bier, conspired together and Detective McKenna and ADA Fairstein subsequently conspired together with them and agreed and acted to isolate Yusef that night and treat him as if he were 16 years old and capable of being interrogated without a parent present.

578. The following paragraphs detail the defendants' acts and efforts in furtherance of that conspiracy and their related wrongful conduct in deceptively, coercively and unconstitutionally attempting to obtain inculpatory statements from Yusef, particularly including such statements regarding the attack on the Jogger.

579. The Detectives told Yusef to take out the items he had in his pockets.

580. Yusef had his keys and his wallet in his pocket.

581. Yusef's wallet contained, among other items, a medical card issued by Mount Sinai Hospital with his correct birth date of February 24, 1974 imprinted upon it.

582. Yusef's wallet also contained some student train passes, one of which bore his handwritten signature and his handwritten notation that he was born in 1973.

583. Yusef used that train pass to "impress" girls.

584. The Detectives opened Yusef's wallet and looked at everything it contained,

including the medical card from Mount Sinai.

585. When the wallet was later returned to Yusef, it did not contain the Mount Sinai medical card or the train pass.

586. The hospital card reflecting Yusef's actual date of birth was never returned to him and, after the Detectives took it from Yusef's wallet, was never made available or provided to him or any of his lawyers.

587. In contrast, the train pass with Yusef's handwritten addition of an inaccurate date of birth was preserved and introduced as evidence at trial.

588. At the time the Detectives came to her family's home, Yusef's mother, Sharonne, was at work and not at home.

589. The Detectives told Yusef and Kharey to follow them to the elevators.

590. Aisha followed and asked to see the Detectives' badges.

591. The Detectives refused to show her their badges, claiming they had shown them to her younger brother Sareef.

592. Aisha asked the officers if they were going to read Yusef and Kharey their rights.

593. The Detectives said, "All we're going to do is take them down for questioning . . . If you're the lawyer, you read them the rights."

594. Aisha asked the Detectives where they were taking Yusef and Kharey.

595. The Detectives gave Aisha the number of the Precinct (the 20th Precinct) and the address.

596. Aisha recognized the address as being close to her "Aunt Fern" (Marilyn La Fern Hatcher) and yelled to her brother Shareef to call Aunt Fern on the telephone.

597. The Detectives took Yusef and Kharey downstairs.

598. Yusef was placed in the back seat of an unmarked police car and was driven to the 20th Precinct with Detectives Taglioni and Hall.

599. Yusef and Kharey were separated at that point, as Kharey was placed in a different unmarked police car with Detectives Bier and Freck.

600. Marilyn Hatcher received the telephone call from Shareef at about 10:20 to 10:30 p.m.

601. Shareef told Ms. Hatcher the police were taking Yusef to the 20th Precinct on 82nd Street.

602. Ms. Hatcher called her friend Vincent Jones and asked him if he could take her to the 20th Precinct.

603. Mr. Jones came in his car with his adult son, Keith, and drove Ms. Hatcher from her apartment at 100th Street and Columbus Avenue to the 20th Precinct.

604. Prior to leaving her apartment, Ms. Hatcher reached Yusef's mother, Sharonne, on the telephone.

605. Sharonne Salaam arrived home from work at about 10:45 p.m.

606. Sharonne Salaam called David Nocenti at 11:05 p.m., prior to leaving for the Precinct, telling him that Yusef had been taken to the 20th Precinct at 82nd and Columbus and asking him to meet her there.

607. David Nocenti was Yusef's "Big Brother" through an organization that matches adult mentors to youths for the purpose of providing long-term caring role models in their lives as friends, guides and supporters.

608. On April 20, 1989, David Nocenti was an Assistant United States Attorney in the Eastern District of New York.

609. Meanwhile, Marilyn Hatcher estimated she, Vincent Jones and Keith Jones arrived at the 20th Precinct at approximately 11:00 p.m.

610. Marilyn Hatcher, Vincent Jones and Keith Jones entered the 20th Precinct together.

611. Ms. Hatcher went to a window in the Precinct and said she was there to see Yusef Salaam.

612. She was told to go upstairs to the second floor.

613. The three went upstairs and found a large room with many people.

614. Ms. Hatcher spoke to a person she believed to be a detective and said she wanted to see Yusef Salaam.

615. Marilyn Hatcher, Vincent Jones and Keith Jones were told to wait outside.

616. They moved to the stairwell and waited.

617. The person Ms. Hatcher spoke to reappeared with Detective Taglioni.

618. Detective Taglioni told them to call him "Tag."

619. Detective Taglioni asked them to identify themselves.

620. Marilyn Hatcher told him she was Yusef's aunt and Vincent Jones identified himself as her fiancé and identified his son.

621. Detective Taglioni told Ms. Hatcher that Yusef was being questioned and could only be seen by his parent or guardian.

622. Ms. Hatcher told Detective Taglioni that Yusef was 15 years old and that he

should not be questioned.

623. Detective Taglioni said Yusef had two pieces of identification on him – a school pass and a hospital identification card.

624. Detective Taglioni said one piece of identification showed Yusef was 16 years old.

625. Ms. Hatcher again told Detective Taglioni that Yusef was 15 years old.

626. Detective Taglioni asked if Yusef's mother was coming.

627. Detective Taglioni said they would have to wait for Yusef's mother to arrive to question him.

628. Ms. Hatcher said she would be there shortly.

629. Vincent Jones asked if they could see Yusef to let him know that some of his family was there.

630. Detective Taglioni refused to allow them to see Yusef.

631. Following that conversation, at about 11:20 p.m., Marilyn Hatcher, Vincent Jones, and Keith Jones went downstairs and outside to wait for the arrival of Sharonne Salaam.

632. A few minutes later, at approximately 11: 25 p.m., they saw David Nocenti arrive.

633. Marilyn Hatcher told David Nocenti that they had been inside the Precinct but had been told they could not see Yusef.

634. David Nocenti said he would go inside and see what he could do.

635. All four of them entered the 20th Precinct.

636. Inside, David Nocenti spoke to ADA Fairstein.

637. Fairstein's handwritten notes reflect that she initially spoke to David Nocenti at

about 11:00 p.m. that night.

638. ADA Fairstein asked Nocenti who he was.

639. David Nocenti said he was a friend of the family.

640. Nocenti told Fairstein that Yusef's mother was on her way to the Precinct.

641. When Nocenti told her he was Yusef's Big Brother, she responded, "Well, you did a shit job."

642. ADA Fairstein asked Nocenti about his occupation.

643. Nocenti told her he was an attorney.

644. ADA Fairstein asked if he was Yusef's lawyer.

645. Nocenti responded that he was there as a friend, not as Yusef's lawyer.

646. ADA Fairstein asked where he worked.

647. Nocenti explained that he was an Assistant United States Attorney in the Eastern District and gave her or one of the detectives his card.

648. ADA Fairstein asked his permission to talk to Yusef.

649. David Nocenti explained that he was not Yusef's attorney and could not give her permission to speak to him.

650. ADA Fairstein became agitated and threatened to telephone his supervisor in the Eastern District to notify him of Nocenti's appearance at the Precinct and implied that Nocenti was engaging in unethical behavior in coming to the Precinct.

651. ADA Fairstein went into an adjoining room apparently to make or to direct another person to make the telephone call.

652. After she returned, ADA Fairstein and David Nocenti continued their dispute

concerning the telephone call.

653. ADA Fairstein told Nocenti that, since he was not Yusef's lawyer and not a member of the family, he should leave.

654. David Nocenti was told he could not see Yusef since he did not represent him.

655. David Nocenti said he would wait outside for Yusef's mother to arrive.

656. After he finished his conversation with ADA Fairstein, David Nocenti rejoined Marilyn Hatcher, Vincent Jones and Keith Jones.

657. It was approximately 11:35 or 11:40 p.m.

658. Nocenti told them he was unable to get any more information.

659. They then went outside to wait for Sharonne Salaam's arrival.

660. Sharonne Salaam arrived at the 20th Precinct between 11:30 p.m. to 11:45 p.m.

661. Marilyn Hatcher, Vincent Jones, Keith Jones and David Nocenti told Sharonne Salaam they had been inside but were not able to see Yusef.

662. David Nocenti told Sharonne Salaam that she would be asked for permission to speak to Yusef.

663. Sharonne Salaam said she would not give permission to speak to Yusef.

664. All five of them then entered the 20th Precinct and approached ADA Fairstein.

665. Sharonne Salaam spoke to Fairstein and identified herself as Yusef's mother.

666. Sharonne Salaam asked to see Yusef and, in response to Fairstein's question, told her Yusef was 15 years old.

667. ADA Fairstein knew it was illegal to question a 15-year-old child without a parent present; and without a parent's consent.

668. The earlier information given to Detective Taglioni by both Yusef at his family apartment and Marilyn Hatcher at the Precinct that he was 15 years old, was or should have been actually conveyed to and known by ADA Fairstein, and thereby obligated her to halt all questioning of Yusef.

669. In any event, when ADA Fairstein was advised by Sharonne Salaam that her son was fifteen years old, Fairstein was obligated to stop any and all questioning of Yusef unless she obtained his mother's consent in his presence.

670. Rather than satisfy her obligation to protect Yusef's rights, ADA Fairstein made continuing efforts to avoid that obligation.

671. ADA Fairstein asked Marilyn Hatcher, Vincent Jones and Keith Jones to identify themselves and they did so.

672. ADA Fairstein claimed David Nocenti had come into Precinct earlier and misrepresented himself as Yusef's attorney and was not allowed to go any further.

673. At approximately 11:50 p.m., ADA Fairstein and two detectives, whose identities are currently unknown, then ushered Sharonne Salaam, Marilyn Hatcher and Vincent Jones into a separate back room.

674. David Nocenti and Keith Jones were told they could not go into the back room.

675. Sharonne Salaam again told Fairstein, "My son, Yusef, is 15 years old."

676. ADA Fairstein's handwritten notes state Yusef's mother said he was a "minor."

677. Sharonne Salaam told Fairstein she wanted to see Yusef and that she did not wish him to be questioned.

678. Once inside the back room and seated, Fairstein and the detectives with her again

asked them to identify themselves and their relationship to Yusef.

679. After Vincent Jones identified himself as Marilyn Hatcher's fiancé, he was asked to leave the back room because he was not considered a family member.

680. ADA Fairstein and two detectives were then in the back room with Sharonne Salaam and Marilyn Hatcher.

681. Sharonne Salaam again informed them that Yusef was 15 years old, that she did not want him questioned, and that she wanted to see Yusef.

682. Sharonne Salaam and Marilyn Hatcher were told Yusef was at the Precinct in connection with an assault case as a witness.

683. Initially, Fairstein and the detective refused to tell them whether Yusef had been brought there in connection with the Central Park case.

684. When Sharonne Salaam again asked to see her son, one of the detectives said he would go upstairs to get her son and would be back shortly.

685. ADA Fairstein said it would be "fifteen minutes". . . "ten more minutes". . . and that they needed a space to be available to meet.

686. ADA Fairstein and the other detective continued to ask Sharonne Salaam and Marilyn Hatcher questions, such as what kind of work Ms. Hatcher did.

687. Eventually, ADA Fairstein and the other detective left the back room, leaving Sharonne Salaam and Marilyn Hatcher alone.

688. The discussions with Fairstein and the detectives lasted no longer than 10 to 15 minutes, ending at approximately 12 midnight.

689. David Nocenti saw Linda Fairstein emerge from the separate back room at 12

midnight.

690. Nocenti spoke to Fairstein, who said that Sharonne Salaam said she wanted to see Yusef and that she would be allowed to see Yusef.

691. After waiting for a time for Yusef to appear, Sharonne Salaam and Marilyn Hatcher came out of the back room at 12:05 a.m. and told Nocenti they had not seen Yusef and that they had not given police permission to speak to him.

692. ADA Fairstein told Sharonne Salaam and Marilyn Hatcher to return to the back room where they had been left alone.

693. Sharonne Salaam and Marilyn Hatcher said they would wait with David Nocenti and Vincent Jones instead.

694. Sharonne Salaam and Marilyn Hatcher then asked David Nocenti a series of questions – whether Yusef had a right to an attorney? . . . whether the police could speak to Yusef without their consent?

695. Sharonne Salaam repeated that she wanted to speak to Yusef and that she didn't want the police talking to Yusef.

696. David Nocenti, who was experienced in civil rather than criminal matters, told Sharonne Salaam to tell ADA Fairstein that, not him.

697. Sharonne Salaam again approached ADA Fairstein, who was with ADA Lederer and two males, one of whom, upon information and belief, was Captain Rowe, and said that she wanted to speak with Yusef.

698. Sharonne Salaam told ADA Fairstein, in the presence of ADA Lederer and the two males, that Fairstein did not have her permission to speak to Yusef.

699. In response, despite their knowledge that Yusef was 15 years old, ADA Fairstein and one of the detectives told Sharonne Salaam: “We do not need your permission.”

700. Fairstein also said, “[H]e told you to say that,” referring to David Nocenti.

701. ADA Fairstein told Sharonne Salaam that Yusef had some “phony I.D.”

702. Sharonne Salaam again added that she did not want Yusef to be questioned and she wanted him to have an attorney.

703. ADA Fairstein then said, “We’ll stop questioning him now.”

704. As a pretext, in order to interrogate Yusef Salaam, defendant Detectives McKenna and Taglioni and ADA Fairstein, with the knowledge, acquiescence and participation of ADA Lederer, and the other police officers, prosecutors, and supervisory personnel involved, pretended to rely upon what they knew was a “phony I.D.” implying Yusef was sixteen years old. In doing so, they ignored, disposed of, destroyed or suppressed evidence that Yusef was actually fifteen.

705. Up to the point at which she said the questioning of Yusef would stop, ADA Fairstein had led Sharonne Salaam to believe that Yusef was not being questioned and that they were looking and waiting for a space where Sharonne could meet and speak to Yusef.

706. All of the manipulation of Yusef’s family members and David Nocenti at the 20th Precinct by defendant Detectives McKenna and Taglioni and ADA Fairstein and Lederer and the other police officers, prosecutors, and supervisory personnel involved were deliberately meant to separate and isolate Sharonne Salaam so that no one could advise or assist her until Yusef had been unlawfully interrogated without a parent present.

707. At 12:15 p.m., ADA Fairstein approached David Nocenti and told him to leave the Precinct.

708. As he was exiting the lobby of the Precinct, ADA Fairstein came to the door and told Nocenti to come back into the Precinct.

709. When Nocenti returned, ADA Fairstein accused him of acting unprofessionally and unethically.

710. ADA Fairstein asked Nocenti if he knew what this was all about and when he responded that his guess was that Yusef was a suspect in the rape incident he had seen on television, Fairstein responded, "Well, you're wrong."

711. ADA Fairstein repeated her accusation that David Nocenti was acting unethically and told Nocenti that she would report him to the bar association and would testify against him.

712. A detective came over and told David Nocenti that he was excluded from the "investigation," although Nocenti was unaware he had been part of any investigation.

713. Nocenti was then falsely told that he had represented that he was there in his official capacity when he first arrived at the Precinct.

714. During these events, Sharonne Salaam became very thirsty but was told by police personnel that there was no water in the Precinct fit to drink.

715. As David Nocenti felt he was serving no purpose in the Precinct at this point, he and Vincent Jones left the Precinct at 12:25 to get Sharonne Salaam something to drink.

716. Instead of accompanying Jones to get refreshments, Nocenti stopped to make notes regarding the events that had just occurred.

717. After the confrontation between ADA Fairstein and her cohorts and David Nocenti, Sharonne Salaam and Marilyn Hatcher remained on the first floor of the Precinct waiting for Yusef to be produced.

718. An hour passed before Detective Taglioni finally appeared with Yusef.

719. During the period of time that Yusef's family and friends were seeking to see and speak to him, defendants, particularly Detectives Taglioni, Hall and McKenna and ADA Fairstein, ADA Lederer and various supervisors and co-conspirators, were engaged in coordinated efforts to prevent Yusef's family from locating and speaking to him.

720. Their goal was to isolate Yusef and, as Detective McKenna specifically stated in court testimony, to extract a signed statement from Yusef.

721. Their mind set, as Detective McKenna specifically stated in court testimony, was that everyone in the group in Central Park was guilty and should be arrested.

722. While Yusef's family and friends were desperately trying to see and speak to him, defendants, including but not limited to Taglioni, McKenna, and Fairstein, were actually sequestering and interrogating Yusef, as the following paragraphs continue to describe.

723. When Detectives Taglioni and Hall arrived at the 20th Precinct with Yusef, they took him to the third floor to a small room in the Sex Crimes office.

724. Taglioni testified that they arrived at the 20th Precinct at approximately 11:10 p.m.

725. Detective Taglioni sat down with Yusef and waited for another detective to come to question Yusef.

726. According to Detective Taglioni, he waited with Yusef for fifteen to twenty minutes before Detective McKenna arrived.

727. At the suppression hearing, Detective Taglioni falsely claimed that before the interview of Yusef began, Detective McKenna read Yusef his rights from a card and Yusef responded "yes" to all the questions.

728. Yusef was never read his Miranda rights but, at the conclusion of his interrogation, was asked to sign and did sign the back of a card he later realized was used to give Miranda rights.

729. After McKenna arrived, Detective Taglioni testified he left the room on the third floor and went to the 20th Precinct squad room on the second floor.

730. Taglioni testified he later returned to ask McKenna for the spiral notebook pad McKenna was writing on.

731. Detective Taglioni testified he took the spiral notebook pad to the second floor and gave it to one of his supervisors.

732. Taglioni testified he returned the notebook to McKenna a few minutes later.

733. Detective McKenna testified his interview with Yusef began at approximately 11:20 p.m. and continued until his notebook was taken away at 12:30 a.m.

734. Detective Taglioni was instructed by one of his supervisors to talk to Yusef's mother who had "arrived at the station house sometime before that."

735. According to Detective Taglioni's version of the events, he then went down to the first floor between 12 midnight and 1 a.m. and spoke to a group of four people including Yusef's mother.

736. Taglioni claimed to have told Sharonne Salaam that they were not abusing Yusef but said, "They're talking to him right now."

737. He quoted Sharonne Salaam as saying: "Well, you shouldn't be talking to him because he's only fifteen years old."

738. After Taglioni attempted to justify questioning Yusef based on the false train card

“proof” that he was sixteen, Sharonne Salaam again said, “Yusef is fifteen”.

739. Following this conversation, Detective Taglioni claimed he told his supervisors and went upstairs to the third floor and called McKenna out of the room where he was interrogating Yusef.

740. Detective Taglioni said he advised Detective McKenna of the fact Yusef may be only fifteen years old and there was a federal attorney downstairs.

741. Shortly after 1 a.m., Yusef was brought downstairs by Detectives Taglioni and Hall.

742. Detective Taglioni told Sharonne Salaam that she had ten minutes to speak to Yusef.

743. Sharonne Salaam and Marilyn Hatcher spoke to Yusef standing in a corner of the room for about ten minutes.

744. They were joined by Vincent Jones when he returned with refreshments.

745. When Jones returned at approximately 1:05 a.m., Sharonne Salaam and Marilyn Hatcher were standing talking to Yusef in the presence of Detectives Taglioni and Hall.

746. After Yusef’s mother and aunt briefly spoke with Yusef in Detective Taglioni’s presence, Detective Hall described the procedures that would be followed at Central Booking and arraignment to Sharonne Salaam and Marilyn Hatcher, who subsequently left the Precinct.

747. The foregoing paragraphs detail the events that transpired outside the area in the Precinct where Yusef was being held and questioned without the presence of any family members. The following paragraphs detail the improper interrogation of Yusef in the 20th Precinct room where he was being held.